

**King County Comprehensive Plan
Executive Recommended
Sammamish Agricultural Production District Subarea Plan**

**Department of Development and Environmental Services
September 6, 2005**

Summary

The Central Puget Sound Growth Management Hearings Board has ordered King County to take legislative action to bring the Sammamish Valley Agricultural Production District into compliance with the requirements of the Growth Management Act. Specifically, the Hearings Board ruled that the Growth Management Act prohibits property within the Agricultural Production District (APD) from being designated as both an “agricultural resource area” and as “rural residential.” This decision involves approximately 129 acres designated “rural” within the Sammamish Valley Agricultural Production District. The Hearings Board directed King County to correct the improper “dual designation” by November 10, 2005.

The complete Hearings Board decision can be read at this Web site:

<http://www.gmhb.wa.gov/central/decisions/2005/04324KeeslingFDO20050531.pdf>

In response to this ruling, King County is considering two alternatives described in detail later in this report: (1) to remove rural land developed with non-agricultural structures from the APD, or (2) to redesignate rural land in the APD to agriculture. The scope of this effort is limited to - those properties directly affected by the Hearings Board ruling: the 129 acres within the Sammamish Valley APD with the “dual designation” of Agriculture and Rural Residential.

Applicable King County Comprehensive Plan Text and Policies:

Agricultural lands and farming provide many benefits to the citizens of King County including scenic open space, a connection to our cultural heritage, fresh local foods, and a diverse economy. To meet the Growth Management Act requirement to maintain and enhance agriculture, a variety of methods and programs continue to be necessary. King County Comprehensive Plan policies call for King County to:

- Protect productive farmland by designation and zoning
- Limit development to uses that are necessary to support commercial agriculture
- Prevent or minimize land use conflicts between farming operations and adjacent land uses;

- Allow necessary infrastructure (markets, water, affordable housing, supply stores, technical services, tax incentives) that supports commercial agriculture; and
- Encourage farming practices that conserve soils and protect water quality, fisheries and wildlife.

The specific King County Comprehensive Planning Policies at issue are:

- R-536** Agricultural Production Districts are blocks of contiguous farmlands where agriculture is supported through the protection of agricultural soils and related support services and activities. Roads and natural features are appropriate boundaries for Agricultural Production Districts to reduce the possibility of conflicts with adjacent land uses.
- R- 538** All parcels within the boundaries of an APD should be zoned Agricultural, either A-10 or A-35. If small parcels in the APD are not zoned for Agriculture, permitted nonresidential uses must not conflict with agricultural uses in the APD.
- R-544** King County commits to preserve Agricultural Production District parcels in or near the Urban Growth Area because of their high production capabilities, their proximity to markets, and their value as open space.
- R-548** Lands can be removed from the Agricultural Production Districts only when it can be demonstrated that:
- a. Removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the local APD boundaries; and
 - b. The land is determined to be no longer suitable for agricultural purposes.

In addition to meeting these two tests, removal of the land from the APD may only occur if it is mitigated through the addition of agricultural land abutting the same APD of equal acreage and of equal or greater soils and agriculture value.

Alternatives Considered:

Alternative One – Remove Land Developed With Non-Agricultural Uses from the APD

This alternative eliminates the “dual designation” (land within the APD that has been designated Rural and zoned RA-2.5, RA-5, or RA-10) by removing from the APD land designated Rural that has been developed with permanent non-agricultural structures. Land removed from the APD would retain the existing rural land use designation and zoning.

Land not developed with permanent, non-agricultural structures would remain within the APD. To comply with the Growth Management Hearings Board ruling, land remaining in the APD would also be redesignated from Rural to Agricultural and rezoned from RA-2.5, RA-5, or RA-10 to A-10. Please see the attached maps to see how this alternative would affect specific parcels within the APD.

This option requires two King County Comprehensive Plan policies – R-538 and R-548 – be amended. A proposed new policy – R-548a (below) – is necessary. The reference in policy R-

538 to “parcels not zoned for agriculture” is the policy rejected by the Hearings Board and must be deleted.

R- 538 All parcels within the boundaries of an APD shall be zoned Agricultural, either A-10 or A-35. ~~If small parcels in the APD are not zoned for Agriculture, permitted nonresidential uses must not conflict with agricultural uses in the APD.~~

R-548 Lands can be removed from the Agricultural Production Districts, except as provided in Policy 548a, only when it can be demonstrated that:

- a. Removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the local APD boundaries; and
- b. The land is determined to be no longer suitable for agricultural purposes.

In addition to meeting these two tests, removal of the land from the APD may only occur if it is mitigated through the addition of agricultural land abutting the same APD of equal acreage and of equal or greater soils and agriculture value.

R-548a Land that is zoned rural and has permanent non-agricultural structures can be removed from the Sammamish Agricultural Production District only when a subarea plan demonstrates that removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the APD. Land to be removed from the APD shall retain rural zoning and shall not be rezoned to urban zoning. The removal of land zoned rural from the Sammamish APD shall not be contingent on the addition of land to the APD.

Alternative Two – Designate All Land Within the APD as Agriculture

This alternative eliminates the “dual designation” (land within the APD that has been designated Rural and zoned RA-2.5, RA-5, or RA-10) by designating all of the approximately 129 acres of Rural land within the APD as Agriculture, and rezoning this land A-10.

This option requires King County Comprehensive Plan policy R-548 to be amended. The reference in this policy to “parcels in the APD not zoned for agriculture” is the policy rejected by the Hearings Board and must be deleted. Therefore this reference would be deleted and replaced with new language that acknowledges that there are existing non-agricultural uses in the APD that will continue as nonconforming uses. Please see the attached maps to see how this alternative would affect specific parcels within the APD.

R- 538 All parcels within the boundaries of an APD shall be zoned Agricultural, either A-10 or A-35. ~~If small parcels in the APD are not zoned for Agriculture, permitted nonresidential uses must not conflict with agricultural uses in the APD.~~ Existing non-agricultural land uses within an APD are considered nonconforming uses as defined by KCC 21A.06.800.

Public Meeting:

A public meeting was conducted at the Redmond Regional Library on Wednesday, July 27, 2005. About 300 notices for this meeting were sent to property owners within the APD, property owners within 500 feet of parcels that may be redesignated in either of the alternatives considered, nearby cities, the Agriculture Commission, Friends of the Woodinville Farmers Market, and the Hollywood Hills Homeowners Association. About 35 people attended this meeting and most of the attendees voiced their opinions about the alternatives under consideration. A transcript of this meeting will be transmitted to the King County Council with this report and recommendation.

Agriculture Commission

The Agriculture Commission considered this issue at their August 11, 2005, meeting, which was attended by approximately 12 citizens. The Agriculture Commission decided to support alternative two – designating and zoning all of the land in the APD for agriculture - by a vote of four in favor, one opposed, and two abstentions.

Analysis and Conclusions:

Policy R-536 recognizes that roads and natural features are appropriate boundaries for Agricultural Production Districts (APD's) so that conflicts with adjacent properties are reduced. In the Sammamish Valley APD, agricultural uses have existed adjacent to nonagricultural land uses within the APD for many years. The nonagricultural land uses within the APD include a church, Montessori school, athletic club, golf driving range, and other small businesses. These nonagricultural uses are designated Rural on the land use map and have Rural zoning; but they are located within the APD – thus the “dual designation” pointed out by the Growth Management Hearings Board

King County Comprehensive Plan (KCCP) policy R-538 calls for areas within an APD to be zoned for Agricultural use, either A-10 or A-35. However, this policy acknowledges that there may be small parcels located within an APD that are not zoned for Agricultural use, so long as permitted uses on these parcels do not conflict with agriculture. This policy acknowledgement of parcels within the APD that are not designated or zoned for Agriculture is not consistent with the Hearings Board ruling. Therefore Policy R-538 must be amended to comply with the Hearings Board ruling.

As stated above, existing nonagricultural uses have been in place for years within the APD and do not appear to have adversely affected agriculture within the APD.

Several property owners of land in the northeast corner of the APD filed docket requests as part of the 2004 Update of the King County Comprehensive Plan for an Urban designation for land within this APD. Removing land from the APD and granting the requested Urban land use designation would adversely impact agriculture by permitting Urban land uses to become adjacent to APD properties and by bringing pressure to bear on other nearby properties for similar development.

King County Comprehensive Plan Policy R-548 specifies two tests that must be met to remove land from an APD:

- a. Removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the local APD boundaries; and
- b. The land is determined to be no longer suitable for agricultural purposes.

This policy also states: “In addition to meeting these two tests, removal of the land from the APD may only occur if it is mitigated through the addition of agricultural land abutting the same APD of equal acreage and of equal or greater soils and agriculture value.”

Removal of land from the Sammamish Valley APD is inconsistent with the requirements of policy R-548. A new policy R-548a and an amendment to policy R-548 would be necessary to authorize removal of land from this APD without replacing the land to be removed from the APD. This removal of land from the APD and retention of the Rural land use designation and zoning designation will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the APD.

Executive Staff Recommendation:

Modify the boundaries of the 1,132 acre Sammamish Valley APD by removing from the APD the Rural designated land that is developed with permanent non-agricultural structures. 33.1 acres of rural land within the APD are developed with permanent nonagricultural structures.

To allow removal of land from the APD without replacement land, Policy R-548 must be amended as follows and a new policy 548a is needed:

- R-548** Lands can be removed from the Agricultural Production Districts, except as provided in Policy 548a, only when it can be demonstrated that:
- a. Removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the local APD boundaries; and
 - b. The land is determined to be no longer suitable for agricultural purposes.

In addition to meeting these two tests, removal of the land from the APD may only occur if it is mitigated through the addition of agricultural land abutting the same APD of equal acreage and of equal or greater soils and agriculture value.

- R-548a** Land that is zoned rural and has permanent non-agricultural structures can be removed from the Sammamish Agricultural Production District only when a subarea plan demonstrates that removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the APD. Land to be removed from the APD shall retain rural zoning and shall not be rezoned to urban zoning. The removal of land zoned rural from the Sammamish APD shall not be contingent on the addition of land to the APD.

Retain the Rural land use and zoning designations for the parcels removed from the APD. Designate all parcels remaining in the APD Agriculture, and zone them A-10. There are 96 acres

of land out of the 129 acres addressed by this subarea plan that are proposed to remain in the APD and be rezoned from Rural to Agriculture.

To minimize the amount of land removed from the APD, five parcels under the same ownership are proposed for split zoning. This means that consistent with proposed policy R-548a, 22.1 acres of the Dahl ownership are proposed to be removed from the APD and would retain the existing Rural zoning. The remaining 39.6 acres of this ownership are proposed to remain in the APD and be rezoned from Rural to Agriculture.

Amend King County Comprehensive Plan Policy R-538 as follows:

R- 538 All parcels within the boundaries of an APD shall be zoned Agricultural, either A-10 or A-35. ~~If small parcels in the APD are not zoned for Agriculture, permitted nonresidential uses must not conflict with agricultural uses in the APD.~~